
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Natural Resources)**

Introduced and read first time: February 11, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting - Furbearing Mammals**

3 FOR the purpose of exempting certain persons from a certain hunting license
4 requirement; requiring certain persons to obtain a furbearer stamp to hunt or
5 trap furbearing mammals or chase fox; establishing certain fees for a furbearer
6 stamp; providing for a group license for organized fox chasing associations;
7 prohibiting certain persons from trapping or chasing certain furbearing
8 mammals on or after certain dates unless certain requirements are met;
9 requiring the Department of Natural Resources to designate certain persons or
10 agencies authorized to provide certain instruction; repealing the prohibition
11 against nonresidents hunting or trapping beaver or otter; specifying that certain
12 persons can kill furbearing mammals at certain times; requiring the
13 Department to issue certain complimentary licenses and stamps under certain
14 circumstances; specifying that persons engaged in certain field trials are exempt
15 from certain licensing requirements; requiring the Department to adopt certain
16 regulations; authorizing the Department to adopt certain regulations; defining
17 certain terms; and generally relating to the hunting and trapping of furbearing
18 mammals.

19 BY repealing and reenacting, with amendments,
20 Article - Natural Resources
21 Section 10-101(k), 10-301(b) and (f), 10-406, and 10-701
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2003 Supplement)

24 BY adding to
25 Article - Natural Resources
26 Section 10-301.3 and 10-301.4
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2003 Supplement)

29 BY repealing
30 Article - Natural Resources

1 Section 10-502 and 10-503
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Natural Resources**

7 10-101.

8 (k) (1) "Hunt" means to pursue, capture, catch, kill, gig, trap, shoot, or
9 attempt to pursue, capture, catch, kill, gig, trap, or shoot, or in any manner reduce
10 any bird or mammal to personal possession.

11 (2) "Hunt" excludes:

12 (I) [the] THE sport of fox chasing; AND

13 (II) THE UNARMED PASSIVE OBSERVATION OF DOGS CHASING
14 FURBEARING MAMMALS.

15 10-301.

16 (b) (1) The following persons are not required to obtain a hunter's license or
17 bonus antlered deer stamp:

18 (i) With respect to hunting on farmland only:

19 1. Except as provided in paragraph (2) of this subsection, the
20 owner of the farmland and the owner's spouse, children, and children's spouse; and

21 2. A tenant and the tenant's spouse, children, and, if residing
22 on the farmland, children's spouse. A tenant is a person holding land under a lease, or
23 a sharecropper who resides in a dwelling on the land, but a tenant does not include
24 any employee of the owner or tenant;

25 (ii) Any resident serving in the armed forces of the United States
26 while on leave in the State, during the resident's leave period, if, while hunting, the
27 resident possesses a copy of the resident's official leave order; [and]

28 (iii) Any unarmed person participating in an organized foxhunt;
29 AND

30 (IV) ANY UNARMED NONRESIDENT PARTICIPATING IN AN
31 ORGANIZED RACCOON CHASE ACCOMPANIED BY A MARYLAND RESIDENT.

32 (2) The provisions of paragraph (1)(i)1 of this subsection do not apply to
33 a nonresident owner of farmland.

1 (3) A PERSON EXEMPTED FROM THE HUNTING LICENSE REQUIREMENT
2 UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST OBTAIN A FURBEARER STAMP TO
3 HUNT FURBEARING MAMMALS.

4 (4) (I) A PERSON WHO ACTIVELY PARTICIPATES IN THE UNARMED
5 CHASING OF FOX AND IS EXEMPT FROM THE HUNTING LICENSE REQUIREMENT
6 UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST:

7 1. OBTAIN A FURBEARER STAMP; OR

8 2. CHASE FOX WITH AN ORGANIZATION THAT HAS OBTAINED
9 A FOX CHASING GROUP LICENSE FROM THE DEPARTMENT.

10 (II) THE DEPARTMENT MAY ADOPT REGULATIONS WHICH
11 ESTABLISH CRITERIA AND FEES FOR FOX CHASING ASSOCIATIONS TO OBTAIN A FOX
12 CHASING GROUP LICENSE.

13 (f) (1) There shall be the following types of hunting licenses in the State:

14 (i) A resident hunting license that enables the purchaser to hunt
15 all legal game birds and mammals during any appropriate season in Maryland
16 without the purchase of additional stamps, unless the purchaser is hunting migratory
17 game birds, FURBEARING MAMMALS, or deer during bow and arrow season or black
18 powder season. To hunt migratory game birds the purchaser must also buy a
19 Maryland migratory game bird stamp and to hunt wild waterfowl the purchaser must
20 buy both a Maryland migratory game bird stamp and a federal migratory bird
21 hunting and conservation stamp. IN ORDER TO HUNT FURBEARING MAMMALS THE
22 PURCHASER MUST ALSO PURCHASE A FURBEARER STAMP. To hunt deer during bow
23 and arrow season and black powder season the purchaser must also purchase a bow
24 and arrow or black powder stamp.

25 (ii) A nonresident hunting license that enables the purchaser to
26 hunt all legal game birds and mammals during any appropriate season without the
27 purchase of additional stamps unless the purchaser is hunting migratory game birds,
28 FURBEARING MAMMALS, or deer during bow and arrow season or black powder
29 season. This license enables the purchaser to hunt migratory game birds only with
30 the purchase of a Maryland migratory game bird stamp and to hunt wild waterfowl
31 only with the purchase of both a Maryland migratory game bird stamp and a federal
32 migratory bird hunting and conservation stamp. THIS LICENSE ENABLES THE
33 PURCHASER TO HUNT FURBEARING MAMMALS ONLY WITH THE PURCHASE OF A
34 FURBEARER STAMP. This license enables the purchaser to hunt deer during bow and
35 arrow season and black powder season only with the purchase of a nonresident bow
36 and arrow or black powder stamp.

37 (iii) A nonresident 3-day hunting license that enables the purchaser
38 to hunt all legal game birds and mammals except deer and turkey for the 3
39 consecutive legal hunting days in a single season that are specified on the license by
40 the issuing agent. The purchaser must also purchase a Maryland migratory game
41 bird stamp to hunt migratory game birds and a federal migratory bird hunting and
42 conservation stamp to hunt wild waterfowl with this license. THE PURCHASER MUST

1 ALSO PURCHASE A FURBEARER STAMP TO HUNT FURBEARING MAMMALS WITH THIS
 2 LICENSE. Under no circumstance does this license authorize the purchaser to hunt
 3 deer and turkey.

4 (2) Residents may purchase a senior hunting license beginning in the
 5 calendar year in which they attain the age of 65.

6 (3) A nonresident of any age must purchase either a nonresident hunting
 7 license or a nonresident 3-day hunting license to hunt in the State.

8 (4) The fees for hunting licenses are according to the following schedule:

9 (i) Resident, junior, under the age of 16 years \$10.50

10 (ii) Resident, regular, at least 16 years old and under the age of 65
 11 years \$24.50

12 (iii) Resident, senior, at least 65 years old \$5.00

13 (iv) Except as provided in subparagraph (v) of this paragraph,
 14 nonresident basic \$130.00

15 (v) Nonresident basic hunting license, the greater of the fee
 16 charged by the nonresident's home state for a similar basic hunting license or the fee
 17 applicable to residents of the following states:

18 1. Delaware \$86.00

19 2. Pennsylvania \$101.00

20 3. Virginia \$120.00

21 4. West Virginia \$135.00.

22 (vi) Complimentary license authorized to be issued under § 10-303
 23 of this subtitle No fee

24 (vii) Nonresident 3-day hunting license \$45.00

25 (5) The fees for individual hunting stamps are according to the following
 26 schedule:

27 (i) Bow and arrow stamp \$6.00

28 (ii) Nonresident bow and arrow stamp \$25.00

29 (iii) Black powder stamp \$6.00

30 (iv) Nonresident black powder stamp \$25.00

31 (v) Maryland migratory game bird stamp \$9.00

1 (vi) Resident bonus antlered deer stamp \$10.00

2 (vii) Nonresident bonus antlered deer stamp for each type of deer
3 hunting season \$25

4 (VIII) FURBEARER STAMP \$9.00

5 10-301.3.

6 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

7 (1) PRESCRIBE A COURSE OF INSTRUCTION IN TRAPPER EDUCATION;
8 AND

9 (2) PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF TRAPPER
10 EDUCATION.

11 (B) (1) (I) THE DEPARTMENT SHALL DESIGNATE THE PERSONS OR
12 AGENCIES AUTHORIZED TO GIVE THE COURSE OF INSTRUCTION IN TRAPPER
13 EDUCATION.

14 (II) A DESIGNATION UNDER SUBPARAGRAPH (I) OF THIS
15 PARAGRAPH SHALL BE VALID UNTIL REVOKED BY THE DEPARTMENT.

16 (2) A PERSON DESIGNATED TO PROVIDE THE COURSE OF INSTRUCTION
17 SHALL SUBMIT TO THE DEPARTMENT A VERIFIED LIST OF ALL PERSONS WHO HAVE
18 SUCCESSFULLY COMPLETED THE COURSE OF INSTRUCTION IN TRAPPER
19 EDUCATION.

20 (C) (1) A CERTIFICATE OF TRAPPER EDUCATION SHALL BE ISSUED TO EACH
21 PERSON WHO SUCCESSFULLY COMPLETES THE COURSE OF INSTRUCTION IN
22 TRAPPER EDUCATION.

23 (2) A CERTIFICATE SHALL BE VALID UNTIL REVOKED BY THE
24 DEPARTMENT.

25 (D) (1) ON OR AFTER AUGUST 1, 2005, UNLESS THE PERSON HAS BEEN
26 ISSUED A CERTIFICATE OF TRAPPER EDUCATION, A PERSON UNDER THE AGE OF 18
27 YEARS MAY NOT TRAP FURBEARING MAMMALS IN THE STATE.

28 (2) ON OR AFTER AUGUST 1, 2010, UNLESS THE PERSON HAS BEEN
29 ISSUED A CERTIFICATE OF TRAPPER EDUCATION, THE PERSON, REGARDLESS OF
30 AGE, MAY NOT TRAP FURBEARING MAMMALS IN THE STATE.

31 (E) ANY SIMILAR CERTIFICATE ISSUED BY ANOTHER STATE IS ACCEPTABLE
32 AS COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION IF
33 THE PRIVILEGES ARE RECIPROCAL FOR MARYLAND RESIDENTS.

34 (F) (1) THE DEPARTMENT OR A PERSON DESIGNATED BY THE DEPARTMENT
35 MAY ISSUE A 1-YEAR GRATIS FURBEARER STAMP TO A MARYLAND RESIDENT UNDER

1 THE AGE OF 18 YEARS WHO HAS SUCCESSFULLY COMPLETED A COURSE IN TRAPPER
2 EDUCATION.

3 (2) A PERSON MAY BE ISSUED ONLY ONE SUCH STAMP DURING THE
4 LIFETIME OF THAT PERSON.

5 (G) THE DEPARTMENT OR A PERSON DESIGNATED BY THE DEPARTMENT
6 SHALL ISSUE A COMPLIMENTARY HUNTING LICENSE AND FURBEARER STAMP EACH
7 YEAR TO A PERSON WHO:

8 (1) HAS BEEN AUTHORIZED BY THE DEPARTMENT TO GIVE THE COURSE
9 OF INSTRUCTION IN TRAPPER EDUCATION UNDER SUBSECTION (B) OF THIS SECTION;

10 (2) HAS COMPLETED AT LEAST 5 YEARS OF SERVICE AS AN INSTRUCTOR
11 OF THIS COURSE;

12 (3) MAINTAINS ACTIVE CERTIFICATION AS AN INSTRUCTOR OF THIS
13 COURSE;

14 (4) HAS TAUGHT ONE COURSE IN TRAPPER EDUCATION DURING THE
15 FISCAL YEAR PRECEDING THE ISSUANCE OF THE LICENSE; AND

16 (5) HAS INDICATED TO THE DEPARTMENT AN INTEREST IN RECEIVING A
17 COMPLIMENTARY HUNTING LICENSE AND FURBEARER STAMP.

18 10-301.4.

19 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

20 (1) PRESCRIBE A COURSE OF INSTRUCTION IN FURBEARER CHASING
21 EDUCATION; AND

22 (2) PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF FURBEARER
23 CHASING EDUCATION.

24 (B) (1) THE DEPARTMENT SHALL DESIGNATE THE PERSONS OR AGENCIES
25 AUTHORIZED TO GIVE THE COURSE OF INSTRUCTION IN FURBEARER CHASING
26 EDUCATION.

27 (2) THE DESIGNATION UNDER PARAGRAPH (1) OF THIS SUBSECTION
28 SHALL BE VALID UNTIL REVOKED BY THE DEPARTMENT.

29 (3) PERSONS DESIGNATED TO PROVIDE THE COURSE OF INSTRUCTION
30 SHALL SUBMIT TO THE DEPARTMENT A VERIFIED LIST OF ALL PERSONS WHO HAVE
31 SUCCESSFULLY COMPLETED THE COURSE OF INSTRUCTION IN FURBEARER
32 CHASING EDUCATION.

33 (C) (1) A CERTIFICATE OF FURBEARER CHASING EDUCATION SHALL BE
34 ISSUED TO EACH PERSON WHO SUCCESSFULLY COMPLETES THE COURSE OF
35 INSTRUCTION IN FURBEARER CHASING EDUCATION.

1 (2) A CERTIFICATE SHALL BE VALID UNTIL REVOKED BY THE
2 DEPARTMENT.

3 (D) THE DEPARTMENT MAY ADOPT REGULATIONS THAT ESTABLISH CRITERIA
4 FOR A FOX CHASING ASSOCIATION TO OBTAIN A GROUP CERTIFICATION.

5 (E) (1) ON OR AFTER AUGUST 1, 2006, UNLESS THE PERSON HAS BEEN
6 ISSUED A CERTIFICATE OF FURBEARER CHASING EDUCATION OR CHASES FOX WITH
7 A CERTIFIED ASSOCIATION, A PERSON UNDER THE AGE OF 18 YEARS MAY NOT CHASE
8 FURBEARING MAMMALS IN THE STATE.

9 (2) ON OR AFTER AUGUST 1, 2010, UNLESS THE PERSON HAS BEEN
10 ISSUED A CERTIFICATE OF FURBEARER CHASING EDUCATION OR CHASES FOX WITH
11 A CERTIFIED ASSOCIATION, A PERSON, REGARDLESS OF AGE, MAY NOT CHASE
12 FURBEARING MAMMALS IN THE STATE.

13 (F) ANY SIMILAR CERTIFICATE ISSUED BY ANOTHER STATE IS ACCEPTABLE
14 AS COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION IF
15 THE PRIVILEGES ARE RECIPROCAL FOR MARYLAND RESIDENTS.

16 (G) THIS SECTION DOES NOT APPLY TO A NONRESIDENT OF MARYLAND
17 CHASING FURBEARING MAMMALS IF THEY ARE ACCOMPANIED BY A MARYLAND
18 RESIDENT LEGALLY CHASING FURBEARING MAMMALS.

19 (H) (1) THE DEPARTMENT OR A PERSON DESIGNATED BY THE DEPARTMENT
20 MAY ISSUE A 1-YEAR GRATIS FURBEARER STAMP TO A MARYLAND RESIDENT UNDER
21 THE AGE OF 18 YEARS WHO HAS SUCCESSFULLY COMPLETED A COURSE OF
22 INSTRUCTION IN FURBEARER CHASING EDUCATION.

23 (2) A PERSON MAY BE ISSUED ONLY ONE SUCH STAMP DURING THE
24 LIFETIME OF THE PERSON.

25 (I) THE DEPARTMENT OR A PERSON DESIGNATED BY THE DEPARTMENT
26 SHALL ISSUE A COMPLIMENTARY HUNTING LICENSE AND FURBEARER STAMP EACH
27 YEAR TO A PERSON WHO:

28 (1) HAS BEEN AUTHORIZED BY THE DEPARTMENT TO GIVE THE COURSE
29 OF INSTRUCTION IN FURBEARER CHASING EDUCATION UNDER SUBSECTION (B) OF
30 THIS SECTION;

31 (2) HAS COMPLETED AT LEAST 5 YEARS OF SERVICE AS AN INSTRUCTOR
32 OF THIS COURSE;

33 (3) MAINTAINS ACTIVE CERTIFICATION AS AN INSTRUCTOR OF THIS
34 COURSE;

35 (4) HAS TAUGHT ONE FURBEARER CHASING EDUCATION COURSE
36 DURING THE FISCAL YEAR PRECEDING THE ISSUANCE OF THE LICENSE; AND

1 (5) HAS INDICATED TO THE DEPARTMENT AN INTEREST IN RECEIVING A
2 COMPLIMENTARY HUNTING LICENSE AND FURBEARER STAMP.

3 10-406.

4 (a) Except during the hunting and trapping season or as allowed under
5 subsection (b) of this section, a person may not hunt or trap any fur-bearing mammal
6 or possess the meat or pelt of any fur-bearing mammal, whether hunted or trapped
7 within the State or any other state, territory, or country.

8 (b) (1) (i) A person may possess any green pelt of any fur-bearing
9 mammal until March 25 for purposes of curing the skins.

10 (ii) However, in Frederick, Garrett, Allegany, Carroll, Howard, and
11 Washington counties, a person may hunt or trap mink or muskrat between November
12 15 and February 15, of the year following, and a person may possess any green mink
13 and muskrat pelt until February 25 for purposes of curing the skin.

14 (iii) 1. In the remainder of the State except for the counties in
15 item 2 of this paragraph, a person may hunt or trap mink or muskrat between
16 January 1 and March 15.

17 2. In Baltimore, Cecil, Harford, Kent, Queen Anne's,
18 Somerset, and Worcester counties, a person may hunt or trap mink or muskrat
19 between December 15 and March 15 of the year following.

20 (iv) The Department may extend any muskrat season set by this
21 subsection for a period of 1 week, if the Department considers it necessary for any
22 reason, including weather conditions.

23 (2) A person may possess the meat of muskrat or otter no more than 10
24 days after the close of open season for these mammals in order to dispose of the meat
25 for food. However, a person may apply for a permit to store the meat during the closed
26 season if the meat was hunted lawfully.

27 (3) A muskrat damaging any embankment or impoundment may be
28 destroyed by the owner at any time.

29 (4) A person may hunt or trap and possess the pelt or meat of raccoon or
30 opossum during those periods and under the restrictions, including bag limits, the
31 Department may establish by regulation.

32 (5) In Charles and Dorchester counties, a person may hunt or trap a fox
33 or possess the pelt of a fox at any time of year.

34 (6) A person may hunt or trap on the person's land a coyote, fox or skunk
35 that is damaging or destroying the personal or real property of the landowner.

36 (7) A person may:

1 (i) Trap a coyote during the trapping season established by the
2 Department; or

3 (ii) Hunt a coyote:

4 1. While the person is legally hunting for any other species of
5 game bird or mammal, by any method legal for use at the time in hunting that other
6 species WITHOUT THE NEED FOR A FURBEARER STAMP; or

7 2. At any time of year, by predator calling.

8 (8) A PERSON MAY KILL FURBEARING MAMMALS AND NUTRIA THAT ARE
9 ACTIVELY INVOLVED IN THE DEPREDATION OF REAL OR PERSONAL PROPERTY
10 WITHOUT FIRST OBTAINING A HUNTING LICENSE OR FURBEARER STAMP AND
11 WITHOUT REGARD TO ESTABLISHED HUNTING SEASONS AND BAG LIMITS.

12 [10-502.

13 (a) Any nonresident of the State who desires to trap furbearers, except otter or
14 beaver, first shall procure a nonresident trapper's license in addition to any other
15 license required. The license shall be issued only to residents of other states which
16 grant the same trapping privileges to Maryland residents.

17 (b) The license shall be:

18 (1) Issued for a \$25.50 fee or a fee equal to that charged by the
19 nonresident's home state for a similar license, whichever is greater;

20 (2) Issued in accordance with the procedures for issuing nonresident
21 hunting licenses; and

22 (3) Effective for the same period as a hunter's license.

23 (c) In addition to the license fee, the designated person who sells and issues
24 the license may collect a processing fee equal to 10% of the license fee, and the
25 balance of the fee shall be paid and accounted for in the manner provided by § 10-209
26 of this title.]

27 [10-503.

28 A nonresident of the State may not hunt or trap or attempt to hunt or trap any
29 beaver or otter in the State.]

30 10-701.

31 (a) A club or association may not hold a field trial with dogs in the State
32 during any closed hunting season without first obtaining a permit from the Secretary.

33 (b) The Secretary may grant a permit to field trial clubs and associations to
34 hold field trials with raccoon, opossum, bird, or rabbit dogs in the State any time

1 during the closed season. Field trials shall be held pursuant to regulations the
2 Secretary adopts to safeguard the interests of wildlife in the State.

3 (C) A PERSON ENGAGED IN AN ORGANIZED FIELD TRIAL THAT HAS RECEIVED
4 A PERMIT FROM THE DEPARTMENT UNDER THIS SECTION IS EXEMPT FROM THE
5 HUNTING LICENSE AND STAMP REQUIREMENTS OF THIS SUBTITLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect July 1, 2004.